

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge: TIMOTHY L. FALL
Clerk: TRACEE A. GRIMES
Reporter: ABBY WALLER
Date: MARCH 20, 2009

HEARING: STATUS CONFERENCE/PETITION TO UNSEAL SEARCH WARRANTS

Counsel for the People: JEFF REISIG, District Attorney
GARRETT HAMILTON, Assistant District Attorney

Counsel for Defendant(s): HAYES GABLE, Attorney
THOMAS PURTELL, Attorney

9:00 A.M.

Defendant and counsel are again present.

Court advised counsel that the Court is in receipt of a possible Marsden Motion filed by the Defendant on January 26, 2009 and that the court had forwarded copies of said motion to defense counsel and notice of the motion to the People.

Court inquires of defense counsel their client's intent.

Counsel for defense state it is their client's intent to go forward with the motion.

Court clears the courtroom except for defendant, defense counsel and court staff.

Court advised the defendant that this hearing is confidential and that the reporter's transcript is sealed unless a request to unseal is granted.

MARSDEN HEARING HELD

9:11 A.M.

Defendant, counsel and members of the public have returned to the courtroom.

Court announces that the request for a Marsden Motion has been dropped at the defendant's request and moves forward with the hearings set.

Court takes up issue regarding the wearing of victim wrist bands. Court directs Sheriff's Office and District Attorney to make sure all personal do not wear victim wrist bands in Department 2 (or any other Department Judge Fall presides over). District Attorney agrees to notify all other law enforcement agencies in Yolo County of this concern.

Counsel advised the Court that both sides will be ready for date set for trial.

Attorney Gable reminds the Court of his capitol case in Sacramento which is currently set to start July 14, 2009.

Court states for the record that contained in the Court file is a large envelope from Fox 40 News.

Defense counsel advised the court that they had requested a video tape from Fox 40 News. Defense counsel request the envelope be released to them since they had made the request with a non disclosure to the people pursuant to Evidence Code Section 1536 and 1054.

Court inquires of defense counsel if they had filed a subpoena duces tecum with the court.

Attorney Gable advises the Court that he had not filed a subpoena duces tecum.

Assistant District Attorney Hamilton does not think it's appropriate that the tape in court file not be disclosed.

Court advised the People that they can move to compel disclosure of the tape.

Court takes up the Defendant's Petition to Unseal Search Warrant Affidavit.

Assistant District Attorney Hamilton states they do not oppose the Petition.

Court grants the Petition and interlineated on the Order after Hearing "and any other searches pertaining to this case."

Defense counsel given signed order by the Court to file in the clerk's office.

Court set STATUS CONFERENCE/SETTING OF MOTION for MAY 29, 2009 at 9:00 A.M. in DEPARTMENT 2.

Counsel for the People state there office is in receipt of an informal request for discovery from the defense.

Counsel for defense states they also sent to the District Attorney a demand pursuant to 190.3.

Court orders defense questionnaire filed and served no later than April 30, 2009, and orders both sides to meet and confer before the May hearing date. Court request counsel come to as much an agreement on questionnaire and reserve disputed matters.

9:35 A.M.

Court adjourned.

Defendant remains in the custody of the Sheriff without bail; parole hold remains in place.

frmlmins.s (FMO)